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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

8 YIU FAI LEE,

9 Petitioner,

10 v.

11 ERIC HOLDER, JR., Attorney General of the  
12 United States, *et al.*,

13 Respondents.

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)  
) Case No. C11-1178-RSL-BAT  
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)

**REPORT AND  
RECOMMENDATION**

14 On July 14, 2011, petitioner, proceeding *pro se*, filed a Petition for Writ of Habeas  
15 Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued detention by  
16 the United States Immigration and Customs Enforcement (“ICE”) pending his removal from the  
17 United States. Dkt. No. 1. Respondents were served with petitioner’s habeas petition and have  
18 appeared in this action. Dkt. Nos. 4 and 6.

19 On August 4, 2011, however, petitioner filed a request to withdraw his habeas action,  
20 indicating that respondents have received a travel document from the Chinese Consulate for his  
21 removal to China. Dkt. No. 9. The Court, having reviewed petitioner’s request for voluntary  
22 dismissal, hereby recommends that this action and all claims asserted herein be dismissed  
23 pursuant to Rule 41(a)(2), without prejudice and without fees or costs to either party.

1 A proposed order accompanies this Report and Recommendation.

2 DATED this 8th day of August, 2011.

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6 BRIAN A. TSUCHIDA  
7 United States Magistrate Judge  
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